



Title V Operating Permit

Permit No: **TV-OP-028**
Date Issued: **July 21, 2000**

This certifies that:
SIMS Portex, Inc.
10 Bowman Drive
Keene, NH 03431

has been granted a Title V Operating Permit for the following facility and location:
SIMS Portex, Inc.
Production Avenue
Keene, NH
AFS Point Source Number - 3300500043

This Title V Operating Permit is hereby issued under the terms and conditions specified in the Title V Operating Permit Application filed with the New Hampshire Department of Environmental Services on **June 3, 1996** under the signature of the following responsible official certifying to the best of their knowledge that the statements and information therein are true, accurate and complete.

Responsible Official:
Robert Wheeler
V.P. Regulatory Affairs
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This Permit is issued by the New Hampshire Department of Environmental Services, Air Resources Division pursuant to its authority under New Hampshire RSA 125-C and in accordance with the provisions of Code of the Federal Regulations 40 Part 70.

This Title V Operating Permit shall expire on **July 31, 2005**.

SEE ATTACHED SHEETS FOR ADDITIONAL PERMIT CONDITIONS

For the New Hampshire Department of Environmental Services, Air Resource Division

Director, Air Resources Division

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Facility Specific Title V Operating Permit Conditions

I. Facility Description of Operations:

SIMS Portex Inc. (Smiths Industries Medical Systems, Inc., formerly known as Concord Labs and Concord Portex) is a manufacturer of products for medical and hospital use. Prior to shipment, the various products are sterilized to kill bacterial contaminants in one of five ethylene oxide sterilizers. The product is stacked on pallets and loaded into the sterilizers by forklift. After the sterilization process is complete, the sterilizing gases, comprised of ethylene oxide, nitrogen, and moisture, are vented to a wet scrubber which removes ethylene oxide from the gas stream and converts it to ethylene glycol. This gas stream is then vented to the roof and to the atmosphere. When the sterilizer door is opened for product removal, a back chamber exhaust vents exhaust air from the sterilizer to the atmosphere. Product is then removed from the sterilizers and placed in one of 13 Hot Cells to allow any remaining ethylene oxide to escape for 20 hours with any ethylene oxide emissions from the Hot Cells being captured and delivered to a catalytic oxidizer for removal of ethylene oxide prior to its release to the atmosphere. Products are then taken from the Hot Cells and placed in one of five Quarantine Rooms for a minimum time period of 48 hours prior to shipment to a customer. Product may be left in the Hot Cells in place of the Quarantine Rooms. Any remaining ethylene oxide in the products is released in the quarantine rooms which are vented directly to the atmosphere.

II. Permitted Activities:

In accordance with all of the applicable requirements identified in this permit, the permittee is authorized to operate the devices and or processes identified in Sections III, IV, and V within the terms and conditions specified in this Permit.

III. Significant Activities Identification:

- A. The activities identified in the following table (Table 1) are subject to and regulated by this Title V Operating Permit:

Table 1 - Significant Activity Identification			
Emission Unit Number (EU#)	Description of Emission Unit	Exhaust Stack Identification	Emissions Unit Maximum Allowable Permitted Capacity
EU1	Ethylene Oxide Sterilizers (Five) #1, #2, & #3 Units = 30.3 cubic meters #4 Unit = 24.1 cubic meters #5 Unit = 10.1 cubic meters	Stack #1 Chemrox Scrubber Outlet Common Header from each of the Ethylene Oxide Sterilizers to the Chemrox Scrubber and then released to the atmosphere	Facility Wide Limit of 600 pounds per day of Ethylene Oxide
EU2	Ethylene Oxide Sterilizer Hot Cells (13)	Stack #2 Dec-E-Tec Catalytic Oxidizer Outlet Input to the Dec-E-Tec are the emissions from the Hot Cells	Facility Wide Limit of 600 pounds per day of Ethylene Oxide; Dec-e-Tec limited to 2.0 mmBtu/hr gross heat input from liquid petroleum gas (LPG) (which is equivalent to 21.3 gallons LPG per hour assuming 94,000 Btu per gallon); limited to 186,588 gallons LPG during any consecutive 12-month period; Dec-e-Tec limited to a maximum loading rate of 0.5

Table 1 - Significant Activity Identification			
			pounds per hour ethylene oxide.
EU3	Quarantine Rooms	Stacks #3 & #4 Quarantine Room Vents (Rooms #1, #2, & #3 combined in Stack #3 and Rooms #4 & #5 in Stack #4)	Facility Wide Limit of 600 pounds per day of Ethylene Oxide
EU4	Emergency Generator	Stack #5	2,684 mmBtu/hr gross heat input from No. 2 fuel oil & off-road diesel oil or on-road diesel oil (equivalent to 18.9 gal/hr No. 2 fuel oil & off-road diesel oil and 19.6 gal/hr on-road diesel oil assuming 142,000 and 137,000 Btu/gal respectively)

Stack Criteria:

- B.** The following stacks for the above listed significant devices at this facility shall discharge vertically without obstruction (including rain caps) and meet the following criteria in accordance with the state-only modeling requirements specified in Env-A 1300 and Env-A 1400:

Table 2 - Stack Criteria			
Stack #	Minimum Stack Height (Feet)	Maximum Stack Diameter (Feet)	Minimum Air Flow (ACFM)
Stack #1 Chemrox Wet Scrubber Outlet	65.0	0.5	1000
Stack #2 Dec-e Tec Outlet	41.0	2.4	10,000
Stack #3 Quarantine Rooms 1, 2, & 3	43.0	1.2	504
Stack #4 Quarantine Rooms 4 & 5	43.0	1.2	504
Stack #5 Emergency Generator	10.0	0.33	960

Preauthorized changes to the state-only requirements pertaining to stack parameters (set forth in this permit), shall be permitted only when an air quality impact analysis which meets the criteria of Env-A 606 is performed either by the facility or the DES (if requested by facility in writing) in accordance with the “DES Policy and Procedure for Air Quality Impact Modeling”. All air modeling data shall be kept on file at the facility for review by the DES upon request.

IV. Insignificant Activities Identification:

All activities at this facility that meet the criteria identified in the New Hampshire Rules Governing the Control of Air Pollution Part Env-A 609.03(g), shall be considered insignificant activities. Emissions from the insignificant activities shall be included in the total facility emissions for the emission-based fee calculation described in Section XXIII of this Permit.

V. Exempt Activities Identification:

All activities identified in the New Hampshire Rules Governing the Control of Air Pollution Env-A 609.03(c)

shall be considered exempt activities and shall not be subject to or regulated by this Title V Operating Permit.

VI. Pollution Control Equipment Identification:

The devices and/or processes identified in Table 1 do not operate with any pollution control equipment.

VII. Alternative Operating Scenarios:

No alternative operating scenarios were identified for this Permit.

VIII. Applicable Requirements:

A. State-only Enforceable Operational and Emission Limitations:

The Permittee shall be subject to the state-only operational and emission limitations identified in Table 3 below.

Table 3 - State-only Enforceable Operational and Emission Limitations

Item #	Regulatory Cite	Applicable Emission Unit	Applicable Requirement
1.	Env-A 1305.01(a)	Facility Wide	New or modified devices, new or modified area sources, and existing devices or area sources for which new applications for permits are filed that have the potential to emit, in any amount, substances that meet the criteria of Env-A 1301 shall be subject to Env-A 1300, until such time as the Env-A 1400 requirements supersede the Env-A 1300 requirements. (As outlined below)
2.	Env-A 1305.02	Facility Wide	Air quality impact analysis of devices and area sources emitting substances meeting the criteria of Env-A 1301 shall be performed in accordance with the “DES Policy and Procedure for Air Quality Impact Modeling” or other comparable dispersion modeling methods approved by EPA.
3.	Env-A 1403.01	Facility Wide	In accordance with Env-A 1403.01, new or modified devices or processes installed after May 8, 1998, shall be subject to the requirements of Env-A 1400.
4.	Env-A 1403.02(a)	Facility Wide	In accordance with 1403.02(a), all existing unmodified devices or processes which are in operation during the transition period ending three years from May 8, 1998 (May 8, 2001), shall comply with either Env-A 1300 or Env-A 1400.
5.	Env-A 1403.02(b)	Facility Wide	In accordance with Env-A 1403.02(b), all existing devices or processes in operation after the transition period ending three years from May 8, 1998 (May 8, 2001), shall comply with Env-A 1400. Env-A 1300 will no longer be in effect.
6.	Env-A 1404.01(d)	Facility Wide	In accordance with Env-A 1404.01(d), documentation for the demonstration of compliance shall be retained at the site, and shall be made available to the DES for inspection.
7.	Env-A 1405.02	Facility Wide	In accordance with Env-A 1405.02 the owner of an existing device or process requiring a permit modification under chapter Env-A 1400 shall submit to the DES no later than one year prior to the end of the transition period (May 8, 2000), an application for a modification to a title V permit in accordance with Env-A 609.18, and a request to the DES to perform air dispersion modeling.
8.	Env-A 1405.03	Facility Wide	In accordance with Env-A 1405.03 the owner of an existing device or process requiring a permit under Env-A 1300 shall submit to the DES no later than one year prior to the end of the transition period (May 8, 2000), a compliance plan identifying how the device or process will comply with chapter Env-A 1400 by the end of the transition period. The compliance plan shall contain the dates when the information required in Env-A 1405.02 will be filed with the DES.
9.	Env-A 1406.01	Facility Wide	In accordance with Env-A 1406.01 the owner of any device or process which emits a regulated toxic air pollutant shall determine compliance with the ambient air limits by using one of the methods provided in Env-A 1406.02, Env-A 1406.03, or Env-A 1406.04. Upon request, the owner of any device or process which emits a regulated toxic air pollutant shall provide documentation of compliance with the ambient air limits to the DES.

VIII. B. Federally Enforceable Operational and Emission Limitations

The Permittee shall be subject to the federally enforceable operational and emission limitations identified in Table 4 below.

Table 4 - Federally Enforceable Operational and Emission Limitations			
Item #	Regulatory Cite	Applicable Emission Unit	Applicable Requirement
1.	RSA 125-C:6, RSA 125-C:11, and Env-A 606.04	EU1, EU2, and EU3	<p>(A) SIMS Portex shall be limited to using less than or equal to 600 pounds per day of ethylene oxide in its five sterilization chambers.</p> <p>(B) The ethylene oxide removal efficiency of the Chemrox Wet Scrubber must be at least 99.65 percent.</p> <p>(C) Ethylene oxide emissions from the Chemrox Wet Scrubber shall be limited to less than 0.024375 lb/hr.</p> <p>(D) Total ethylene oxide emissions from the Quarantine Rooms combined shall be limited to less than 0.125 lb/hr.</p> <p>(E) Ethylene oxide emissions from the Dec-E-Tec Unit will be limited to less than 0.005 lb/hr and less than 0.02 tons/year as required by Temporary Permit TP-BP-0628.</p>
2.	Env-A 1211.02(j)	EU4 (EG)	The Caterpillar Model 3306 Emergency Generator shall be limited to less than 500 hours of operation during any consecutive 12 month period and the theoretical potential emissions are limited to less than 25 tons for any consecutive 12 month period of time.
3.	Env-A 2003.02	EU2 & EU4 (Dec-E-Tec & EG)	No owner or operator shall cause or allow average opacity from fuel burning devices installed after May 13, 1970 in excess of 20 percent for any continuous 6 minute period in a 60 minute period.
4.	Env-A 2003.08	EU2 & EU4 (Dec-E-Tec & EG)	<p>No owner or operator shall cause or allow emissions of particulate matter from fuel burning devices installed on or after January 1, 1985, in excess of the rates set forth below, where:</p> <p>(A) "E" means the maximum allowable particulate matter emission rate in lb/10⁶ Btu;</p> <p>(B) "I" means the maximum gross heat input rate in 10⁶ Btu/hr;</p> <p>(C) For devices with I less than 100, E shall be equal to 0.30;</p> <p>(D) For devices with I equal to or greater than 100 but less than 250, E shall be equal to 0.15; or</p> <p>(E) For devices with I equal to or greater than 250, E shall be equal to 0.10.</p> <p>The Caterpillar Model 3306 Emergency Generator and Dec-E-Tec Unit shall be limited to 0.30 lb/10⁶ BTU for particulate matter.</p>
5.	Env-A 2107.01	EU1 & EU3 (Chemrox Outlet & Quarantine Room Outlets)	No person shall cause or allow visible or fugitive emissions or visible stack emissions for any process to exceed an average of 20 percent opacity for any continuous 6-minute period in any 60-minute period.
6.	40 CFR 52 ¹ Env-A 1605.01	EU2 (Dec-E-Tec)	The sulfur content of liquefied petroleum gas (LPG) shall not exceed 5 grains of sulfur per 100 cubic feet of gas, calculated as hydrogen sulfide at standard

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Env-A 402.03, effective on December 27, 1990, was adopted as part of the State Implementation Plan (SIP) on September 14, 1992 and is still considered federally enforceable until such time as the SIP is amended and approved by the EPA.

Table 4 - Federally Enforceable Operational and Emission Limitations

			temperature and pressure.								
7.	40 CFR 52 ² Env-A 1604.01(a)	EU4 (EG)	The sulfur content of No. 2 fuel oil and off-road diesel oil shall not exceed 0.4 percent sulfur by weight.								
8.	Env-A 1604.01(d)	EU4 (EG)	The sulfur content of on-road low sulfur diesel oil shall not exceed 0.05 percent sulfur by weight.								
9.	40 CFR 63 Subpart O §63.360(g)(1)	EU1 & EU2	<p>All sources subject to the emission standards in §63.362 with an initial startup date before December 8, 1997, shall be in compliance no later than 3 years after the effective date of December 6, 1994, i.e. a compliance deadline of December 6, 1997.</p> <p>Note: In a Federal Register notice dated December 3, 1999, EPA suspended the National Emission Standards for Hazardous Air Pollutants for Ethylene Oxide Commercial Sterilization and Fumigation Operations (EO NESHAP) requirements for chamber exhaust and aeration room vents. The suspension allows affected sources subject to the EO NESHAP to defer compliance with the NESHAP requirements for chamber exhaust until December 6, 2001 and aeration room vents until December 6, 2000. This suspension does not affect the requirement for sources subject to the EO NESHAP to comply with provisions for sterilizer vents. This action does not change the level of the standards or the intent of the NESHAP promulgated in 1994.</p>								
10.	40 CFR 63 Subpart O §63.361 Definitions	EU1 & EU2	<p><i>Aeration Room Vent</i> means the point(s) through which the evacuation of ethylene oxide-laden air from an aeration room occurs.</p> <p><i>Chamber Exhaust Vent</i> means the point(s) through which ethylene oxide-laden air is removed from the sterilization chamber during chamber unloading following the completion of sterilization and associated air washes.</p> <p><i>Sterilization Chamber Vent</i> means any enclosed vessel or room that is filled with ethylene oxide gas, or an ethylene oxide/inert gas mixture, for the purpose of sterilizing and/or fumigating at a sterilization facility.</p>								
11.	40 CFR 63 Subpart O §63.362(a) Table 1 ETO Emission Standards	EU1 & EU2	<table><tr><td><u>Source</u></td><td><u>Emission Standard</u></td></tr><tr><td>Sterilization Chamber Vents</td><td>99 percent emission reduction</td></tr><tr><td>Aeration Room Vents</td><td>1 ppm outlet concentration or 99 percent emission reduction, whichever is less stringent</td></tr><tr><td>Chamber Exhaust Vents</td><td>Manifold to a control device which attains a 1 ppm outlet concentration or 99 percent emission reduction, whichever is less stringent</td></tr></table>	<u>Source</u>	<u>Emission Standard</u>	Sterilization Chamber Vents	99 percent emission reduction	Aeration Room Vents	1 ppm outlet concentration or 99 percent emission reduction, whichever is less stringent	Chamber Exhaust Vents	Manifold to a control device which attains a 1 ppm outlet concentration or 99 percent emission reduction, whichever is less stringent
<u>Source</u>	<u>Emission Standard</u>										
Sterilization Chamber Vents	99 percent emission reduction										
Aeration Room Vents	1 ppm outlet concentration or 99 percent emission reduction, whichever is less stringent										
Chamber Exhaust Vents	Manifold to a control device which attains a 1 ppm outlet concentration or 99 percent emission reduction, whichever is less stringent										
12.	40 CFR 63 Subpart O §63.363(d)(1)	EU1 (Sterilizer Chamber Exhaust Vents)	Once the EPA finalizes 40 CFR 63 Subpart O with respect to Sterilizer Chamber Exhaust Vents and Aeration Room Vents, SIMS Portex plans on routing the Sterilizer Chamber Exhaust Vents to the Dec-E-Tec unit. After final promulgation SIMS Portex shall comply with the appropriate compliance provisions for that vent								

Table 4 - Federally Enforceable Operational and Emission Limitations

			type and control device as specified in 40 CFR 63, Subpart O, §63.363(c)(3), as applicable.
13.	40 CFR 68	Facility Wide	<p>The facility is subject to the Purpose and General Duty clause of the 1990 Clean Air Act, Section 112(r)(1). General Duty includes the following responsibilities:</p> <ol style="list-style-type: none"> 1. Identify potential hazards which may result from such releases using appropriate hazard assessment techniques; 2. Design and maintain a safe facility; 3. Take steps necessary to prevent releases; and 4. Minimize the consequences of accidental releases which do occur.

VIII. C. Emission Reductions Trading Requirements

The Permittee did not request emissions reductions trading in its operating permit application. At this point, DES has not included any permit terms authorizing emissions trading in this permit. All emission reductions trading, must be authorized under the applicable requirements of either Env-A 3000 (the “Emissions Reductions Credits (or ERCs) Trading Program”) or Env-A 3100 (the “Discrete Emissions Reductions (or DERs) Trading Program”) and 42 U.S.C. §7401 et seq. (The “Act”), and must be provided for in this Permit.

VIII. D. Monitoring/Testing Requirements

The Permittee is subject to the monitoring/ testing requirements as contained in Table 5 below:

Table 5 - Monitoring/Testing Requirements					
Item #	Control Device	Parameter	Method of Compliance	Frequency of Method	Regulatory Cite
1.	EU1, EU2, EU3, & EU4	Allows for adequate dispersion of HAPs and other regulated pollutants	Conduct an annual inspection of each stack and fuel burning device. Records of inspections and subsequent maintenance conducted as a result of the annual inspections shall be kept on file at the Facility for review by the DES and/or EPA upon request.	Annually	40 CFR 70.6(a)(3) Federally Enforceable
2.	EU1 & EU2	Performance Tests	<p>Compliance and performance testing:</p> <p>(a)(1) The owner or operator of a source subject to emissions standards in §63.362 shall conduct an initial performance test using the procedures listed in §63.7 of Subpart A of this part according to the applicability in Table 1 of §63.360, the procedures listed in this section, and the test methods listed in §63.365.</p> <p>(2) The owner or operator of all sources subject to these emissions standards shall complete the performance test within 180 days after the compliance date for the specific source as determined in §63.360(g).</p> <p>Note 1: For Sterilizer Chamber Vents, the initial performance test is to be completed by June 3, 1999. In a Federal Register notice dated December 3, 1999, EPA suspended the National Emission Standards for Hazardous Air Pollutants for Ethylene Oxide Commercial Sterilization and Fumigation Operations (EO NESHAP) requirements for chamber exhaust and aeration room vents. The suspension allows affected sources subject to the EO NESHAP to defer compliance with the NESHAP requirements for chamber exhaust until December 6, 2001 and aeration room vents until December 6, 2000. This suspension does not affect the requirement for sources subject to the EO NESHAP to comply with provisions for sterilizer vents. This action does not change the level of the standards or the intent of the NESHAP promulgated in 1994.</p> <p>Note 2: Aeration Room Vents (i.e. the Hot Cells at SIMS Portex are separately handled at this facility and taken to the Dec-E-Tec catalytic oxidation unit.)</p>	Once, Initial Performance Test(s)	40 CFR 63 Subpart O §63.363(a) Federally Enforceable
3.	EU1 Chemrox Wet Scrubber (Sterilization Chamber Vents)	Performance Test	<p>The following procedure shall be used to determine compliance with the emission limits under §63.362(c), the sterilization chamber vent standard:</p> <p>(1) During the performance test, the owner or operator shall determine the efficiency of control devices (Chemrox Wet Scrubber) used to comply with §63.362(c) using the test methods and procedures in §63.365(b)(1). The owner or operator shall also</p>	Once, Initial Performance Test(s)	40 CFR 63 Subpart O §63.363(b)(1) Federally Enforceable

Table 5 - Monitoring/Testing Requirements

			<p>determine the following:</p> <p>(i) For facilities with acid-water scrubbers, the owner or operator shall establish as a site-specific operating parameter during the test methods and procedures in §63.365(b)(1) either:</p> <p>(A) The maximum ethylene glycol concentration using the procedures described in §63.365(e)(1); or</p> <p>(B) The maximum liquor tank level using the procedures described in §63.365(e)(2).</p> <p>Note: SIMS Portex has chosen to monitor the ethylene glycol concentration.</p>		
4.	EU2 Dec-E-Tec Unit (Hot Cells Exhaust [Aeration Room Vents] and Chamber Exhaust Vents)	Performance Test	<p>(1) During the performance test required, the owner or operator shall determine either:</p> <p>(i) The concentration of ethylene oxide emitted from the outlet of the Dec-E-Tec Unit (treating the Hot Cell Exhausts and Chamber Exhaust Vents) to the atmosphere in ppmv following the procedures specified in §63.365(c)(1); or</p> <p>(ii) The efficiency of the Dec-E-Tec used to comply with §63.362(d) (99 percent removal efficiency) using the test methods and procedures in §63.365(d)(1) and §63.365(d)(2).</p> <p>(2) During the performance test required, the facility must also establish as a site specific operating parameter, the baseline temperature for the catalytic oxidizer using the procedures described in §63.365(f)(2) and §63.365(f)(3).</p>	Once, Initial Performance Test(s)	40 CFR 63 Subpart O §63.363(c)(1) & §63.363(c)(2) Federally Enforceable
5.	EU1 Sterilization Chamber Exhaust Vents	Performance Testing	For facilities manifolding emissions from the chamber exhaust vent to a control device controlling emissions from the sterilization chamber vent and/or the aeration room vent, the owner or operator shall comply with the appropriate compliance provisions for that vent type and control device (see §63.363(b) and §63.363(c)).	Once, Initial Performance Test(s)	40 CFR 63 Subpart O §63.363(d)(1) Federally Enforceable
6.	EU1 (Chemrox Wet Scrubber Controlling the Sterilization Chamber Vents)	Pollution Control Requirement	<p>SIMS Portex shall maintain the ethylene glycol concentration in the Chemrox Wet Scrubber scrubber liquor at less than or equal to XXX.XX percent ethylene glycol for purposes of demonstrating continuous compliance with the emissions standards listed in §63.362 for the sterilization chamber vent.</p> <p>Note: After Performance Testing is conducted, the DES will execute a minor permit amendment and enter the maximum percent ethylene glycol.</p>	Continuous	40 CFR 63 Subpart O §63.363(b)(2)
7.	EU2 (Dec-E-Tec Unit Controlling the	Pollution Control Requirement	SIMS Portex shall maintain the Dec-E-Tec oxidation temperature, averaged over three hours, to be not more than 5.6 degrees Celsius (10 degrees Fahrenheit) below the baseline temperature of XXX degrees Celsius (XX degrees Fahrenheit) for purposes of demonstrating	Continuous	40 CFR 63 Subpart O §63.363(c)(3)

Table 5 - Monitoring/Testing Requirements

	Hot Cells Exhaust (Aeration Room Vents) and Sterilizer Chamber Exhaust Vents)		continuous compliance with the aeration room vent standard. Note: After Performance Testing is conducted, the DES will execute a minor permit amendment and enter the baseline temperature for catalytic oxidation.		
8.	EU1 & EU2	Monitoring Requirements (General)	(a)(1) SIMS Portex shall comply with the monitoring requirements in 40 CFR 63, Subpart A, §63.8, according to the applicability in Table 1 of §63.360, and in §63.364. (2) SIMS Portex shall monitor the parameters specified in §63.364, namely the weekly ethylene glycol concentration in the Chemrox Wet Scrubber and the oxidation temperature at the exhaust point from the thermal combustion chamber of the Dec-E-Tec unit.	As specified in 40 CFR 63 Subpart O §63.364	40 CFR 63 Subpart O §63.364(a) Federally Enforceable
9.	EU1 Chemrox Wet Scrubber (Sterilization Chamber Vents)	Periodic Monitoring	SIMS Portex shall sample the scrubber liquor and analyze and record once per week the ethylene glycol concentration of the scrubber liquor using the test methods and procedures in §63.365(e)(1). Monitoring is required during a week only if the scrubber unit has been operated.	Once weekly	Env-A 806 & 40 CFR 63 Subpart O §63.364(b) Federally Enforceable
10.	EU2 Dec-E-Tec Unit (Hot Cells Exhaust [Aeration Room Vents] and Sterilization Chamber Exhaust Vents)	Periodic Monitoring	SIMS Portex shall continuously monitor and record the oxidation temperature at the exhaust point from the thermal combustion chamber of the Dec-E-Tec Unit. SIMS Portex shall install, calibrate, operate, and maintain a temperature monitor accurate to within plus/minus 5.6 degrees Celsius (plus/minus 10 degrees Fahrenheit) to measure the oxidation temperature in the Dec-E-Tec Unit. SIMS Portex shall verify the accuracy of the temperature monitor twice each calendar year with a reference temperature monitor (traceable to National Institute of Standards and Technology (NIST) standards or an independent temperature measurement device dedicated for this purpose). During accuracy checking, the probe of the reference device shall be at the same location as that of the temperature monitor being tested. For the Hot Cells Exhaust (Aeration Room Vents), SIMS Portex shall have a data acquisition system for the temperature monitor that computes and records an average oxidation temperature each hour and a 3-hour block average every third hour. For the Chamber Exhaust Vent, SIMS Portex shall have	Hourly average and 3-hour block averages every third hour for the Hot Cells and average oxidation temperature over the length of each chamber exhaust vent cycle	Env-A 806 & 40 CFR 63 Subpart O §63.364(c)(2), §63.364(c)(3), & §63.364(c)(4) Federally Enforceable

Table 5 - Monitoring/Testing Requirements

			a data acquisition system for the temperature monitor that computes and records an average oxidation temperature over the length of the cycle (based on the length of cycle used during the performance test in §63.365(d)(2)).		
11.	Facility Wide	Fuel Sulfur Content Verification	The operator shall conduct testing using the appropriate ASTM method or retain certified delivery tickets which state the weight percent of sulfur for each delivery of fuel oil to determine compliance with the sulfur content limitation provisions in this permit for liquid fuels in order to meet the reporting requirements specified in Env-A 900.	For each delivery	Env-A 809 Federally Enforceable

VIII. E. Record keeping Requirements³

The Permittee is subject to the Record keeping requirements as contained in Table 6 below:

Table 6 - Applicable Record keeping Requirements				
Item #	Record keeping Requirement	Frequency of Record keeping	Applicable Emission Unit	Regulatory Cite Federally Enforceable or State-Only Enforceable
1.	The Permittee shall retain records of all required monitoring data, record keeping and reporting requirements, and support information for a period of at least 5 years from the date of the origination.	Retain for a minimum of 5 years	Facility wide	40 CFR 70.6(a)(3)(ii)(B) Federally Enforceable
2.	The permittee shall maintain records of monitoring and testing as specified in Table 5 of this permit for the following: (A) Preventative maintenance and inspection results for stacks and fuel burning devices; (B) Performance Test Data and Results (C) Periodic Monitoring Requirements for the Chemrox Wet Scrubber and Dec-E-Tec Oxidation Unit; and (D) Fuel Sulfur Content.	Maintain on a continuous basis as specified in Table 5 of this permit	Facility wide	40 CFR 70.6(a)(3)(iii) (A) Federally Enforceable
3.	SIMS Portex shall comply with the record keeping requirements in 40 CFR 63 Subpart A §63.10(b) and (c), according to the applicability in Table 1 of §63.360 of Subpart O.	As specified	EU1 & EU2	40 CFR 63 Subpart O §63.367 Federally Enforceable
4.	SIMS Portex shall maintain files of all information (including all reports and notifications) required by this part recorded in a form suitable and readily available for expeditious inspection and review. The files shall be retained for at least 5 years following the date of each occurrence, measurement, maintenance, corrective action, report, or record. At a minimum, the most recent 2 years of data shall be retained on site. The remaining 3 years of data may be retained off site. Such files may be maintained on microfilm, on a computer, on computer floppy disks, on magnetic tape disks, or on microfiche.	Retain for a minimum of 5 years	EU1 & EU2	40 CFR 63 Subpart A §63.10(b)(1) Federally Enforceable
5.	SIMS Portex shall maintain relevant records of- (ii) The occurrence and duration of each malfunction of the air pollution control equipment; (vi) Each period during which a CMS is malfunctioning or inoperative (including out-of-control periods);	Retain for a minimum of 5 years	EU1 & EU2	40 CFR 63 Subpart A §63.10(b)(2) Federally Enforceable

3

On April 23, 1999 DES promulgated new Env-A 900 regulations in an attempt to streamline the record keeping and reporting requirement sections of the New Hampshire Code of Administrative Rules. Until such time that the new Env-A 900 regulations are approved and adopted into the State Implementation Plan (SIP) by EPA, all Title V Permits will be incorporating the old Env-A 900 regulations (which became effective on November 11, 1992), unless the new Env-A 900 regulations are more stringent. The record keeping and reporting requirements contained in this permit are those requirements which the facility shall be required to comply with. These record keeping and reporting requirements shall fall under the Permit Shield provisions as contained in Section XIII. of this permit.

Table 6 - Applicable Record keeping Requirements

	<p>(vii) All required measurements needed to demonstrate compliance with a relevant standard (including, but not limited to, 15-minute averages of CMS data, raw performance testing measurements, and raw performance evaluation measurements, that support data that the source is required to report);</p> <p>(viii) All results of performance tests, CMS performance evaluations, and opacity and visible emission observations;</p> <p>(ix) All measurements as may be necessary to determine the conditions of performance tests and performance evaluations;</p> <p>(x) All CMS calibration checks;</p> <p>(xi) All adjustments and maintenance performed on CMS;</p> <p>(xii) Any information demonstrating whether a source is meeting the requirements for a waiver of record keeping or reporting requirements under this part, if the source has been granted a waiver under paragraph (f) of this section; and</p> <p>(xiv) All documentation supporting initial notifications and notifications of compliance status under §63.9.</p>			Enforceable
6.	<p><i>Additional record keeping requirements for sources with continuous monitoring systems.</i> In addition to complying with the requirements specified in paragraphs (b)(1) and (b)(2) of this section, the owner or operator of an affected source required to install a CMS by a relevant standard shall maintain records for such source of-</p> <p>(1) All required CMS measurements (including monitoring data recorded during unavoidable CMS breakdowns and out-of-control periods);</p> <p>(5) The date and time identifying each period during which the CMS was inoperative except for zero (low-level) and high-level checks;</p> <p>(8) The specific identification (i.e., the date and time of commencement and completion) of each time period of excess emissions and parameter monitoring exceedances, as defined in the relevant standard(s), that occurs during periods other than startups, shutdowns, and malfunctions of the affected source;</p> <p>(10) The nature and cause of any malfunction (if known);</p> <p>(11) The corrective action taken or preventive measures adopted;</p> <p>(12) The nature of the repairs or adjustments to the CMS that was inoperative or out of control;</p> <p>(13) The total process operating time during the reporting period; and</p> <p>(14) All procedures that are part of a quality control program developed and implemented for CMS under §63.8(d).</p>	Retain for a minimum of 5 years	EU1 & EU2	40 CFR 63 Subpart A §63.10(c) Federally Enforceable
7.	SIMS Portex shall keep daily, monthly, and annual records of ETO use (in pounds) at the facility. In addition, SIMS Portex shall keep records of the hours of operation of each process at the facility (i.e. ETO Sterilizers).	Daily, monthly, and annual records	Facility Wide	Env-A 901.04 Federally Enforceable
8.	<p>SIMS Portex shall maintain the following records of the LPG fired in the Dec-E-Tec Unit and hours of operation for the Dec-E-Tec Unit:</p> <p>(A) Consumption;</p> <p>(B) Fuel type;</p> <p>(C) Viscosity;</p> <p>(D) Sulfur content as percent sulfur by weight of fuel;</p> <p>(E) Btu content per gallon of fuel; and</p>	Monthly, annual, and 12 consecutive month periods	EU2	Env-A 901.03(a),(c) Federally Enforceable

Table 6 - Applicable Record keeping Requirements

	(F) Hours of operation.			
9.	<p>SIMS Portex shall maintain the following records of fuel utilization and hours of operation for the emergency generator:</p> <p>(A) Consumption;</p> <p>(B) Fuel type;</p> <p>(C) Viscosity;</p> <p>(D) Sulfur content as percent sulfur by weight of fuel;</p> <p>(E) Btu content per gallon of fuel; and</p> <p>(F) Hours of operation.</p>	Monthly, annual, and 12 consecutive month periods	EU4	Env-A 901.03(a),(c) Federally Enforceable
10.	<p>SIMS Portex shall maintain monthly records of fuel utilization which contain the following information for the 4 small boilers/hot water heaters:</p> <p>(A) Consumption;</p> <p>(B) Fuel type;</p> <p>(C) Viscosity;</p> <p>(D) Sulfur content as percent sulfur by weight of fuel; and</p> <p>(E) Btu content per gallon of fuel.</p>	Monthly and annual	Misc. Combustion Sources (4 Boilers/ Hot Water Heaters)	Env-A 901.03(a) Federally Enforceable
11.	<p>VOC Record keeping Requirements:</p> <p>For all applicable facilities and devices, the following information shall be recorded and maintained at the facility:</p> <p>(A) Facility information, including:</p> <ol style="list-style-type: none"> 1. Source name; 2. Source identification; 3. Physical address; and 4. Mailing address; <p>(B) Identification of each VOC-emitting device or process, except:</p> <ol style="list-style-type: none"> 1. Processes or devices associated exclusively with non-core activities, as defined in Env-A 1204.03; and 2. Processes or devices emitting only exempt VOCs. <p>(C) Operating schedule information for each VOC-emitting device or process identified in (B), above, including:</p> <ol style="list-style-type: none"> 1. Days of operation per calendar week during the normal operating schedule; 2. Hours of operation per day during the normal operating schedule and for a typical high ozone season day, if different from the normal operating schedule; and 3. Hours of operation per year under normal operating conditions; <p>(D) The following VOC emission data:</p> <ol style="list-style-type: none"> 1. Annual theoretical potential emissions, as determined in accordance with the applicable section(s) of Env-A 803, using the VOC content for the calculation year for each VOC-emitting device or process identified in (B), above, for: <ol style="list-style-type: none"> a. Each year, in tons per year; and b. A typical day during the high ozone season of each year, in pounds per day; 	Monthly and annually	Facility Wide	Env-A 901.06(a), (b), (c), & (d) Federally Enforceable

Table 6 - Applicable Record keeping Requirements

	<p>2. Actual VOC emissions from each VOC-emitting device or process identified in (B), above for:</p> <ul style="list-style-type: none"> a. Each year, in tons per year; and b. A typical day during the high ozone season of each year, in pounds per day; <p>3. Estimated emissions method code; and</p> <p>4. Applicable emission factors, if used to calculate emissions.</p> <p>(E) The calculation of emission estimates pursuant to (D), above, for a typical high ozone season day shall be based on the mean of the parameters relating to operating and process rate conditions during the high ozone season.</p>			
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VIII. F. Reporting Requirements⁴

The Permittee is subject to the reporting requirements as contained in Table 7 below:

Table 7 - Applicable Reporting Requirements				
Item #	Reporting Requirement	Frequency of Reporting	Applicable Emission Unit	Regulatory Cite Federally Enforceable or State-Only Enforceable
1.	<p>VOC Reporting Requirements: All sources subject to the reporting requirements of this section shall submit the following information to the director in accordance with the schedule in Env-A 901.07(h):</p> <p>(A) Facility information, including:</p> <ol style="list-style-type: none"> 1. Source name; 2. Source identification; 3. Physical address; 4. Mailing address; and <p>(B) Identification of each device or process operating at the source identified in (A), above;</p> <p>(C) Operating schedule information for each device or process identified in (B), above, including such information for:</p> <ol style="list-style-type: none"> 1. A typical business day; and 2. A typical high ozone season day, if different from a typical business day; <p>(D) Total quantities of actual VOC and NOX emissions for the entire facility and for each device or process identified in (B), above, including:</p> <ol style="list-style-type: none"> 1. Annual VOC emissions, and 2. Typical high ozone season day VOC emissions. 	By April 15th, for the previous calendar year	Facility Wide	Env-A 901.07(b) Federally Enforceable
2.	<p>SIMS Portex shall fulfill all reporting requirements in §63.10(a), (d), (e), and (f) of 40 CFR 63 Subpart A, according to the applicability in Table 1 of 40 CFR 63 Subpart O §63.360. These reports will be made to the Administrator at the appropriate address identified in 40 CFR 63 Subpart A §63.13.</p> <p>(1) Reports required by Subpart A and this section may be sent by U.S. mail, fax, or by another courier.</p> <p>(i) Submittals sent by U.S. mail shall be postmarked on or before the specified date.</p> <p>(ii) Submittals sent by other methods shall be received by the Administrator on or before the specified date.</p>	As specified	EU1 & EU2	40 CFR 63 Subpart O §63.366(a) Federally Enforceable

4

On April 23, 1999 DES promulgated new Env-A 900 regulations in an attempt to streamline the record keeping and reporting requirement sections of the New Hampshire Code of Administrative Rules. Until such time that the new Env-A 900 regulations are approved and adopted into the State Implementation Plan (SIP) by EPA, all Title V Permits will be incorporating the old Env-A 900 regulations (which became effective on November 11, 1992), unless the new Env-A 900 regulations are more stringent. The record keeping and reporting requirements contained in this permit are those requirements which the facility shall be required to comply with. These record keeping and reporting requirements shall fall under the Permit Shield provisions as contained in Section XIII. of this permit.

Table 7 - Applicable Reporting Requirements				
	<p>(2) If acceptable to both the Administrator and the owner or operator of a source, reports may be submitted on electronic media.</p> <p>(3) Content and submittal dates for excess emissions and monitoring system performance reports. All excess emissions and monitoring system performance reports and all summary reports, if required per §63.10(e)(3) (vii) and (viii) of Subpart A of this part, shall be delivered or postmarked within 30 days following the end of each calendar half or quarter as appropriate (see §63.10(e)(3) (i) through (iv) for applicability). Written reports of excess emissions or exceedances of process or control system parameters shall include all information required in §63.10(c) (5) through (13) of Subpart A of this part as applicable in Table 1 of §63.360 and information from any calibration tests in which the monitoring equipment is not in compliance with PS-9 or the method used for temperature calibration. The written report shall also include the name, title, and signature of the responsible official who is certifying the accuracy of the report. When no excess emissions or exceedances have occurred or monitoring equipment has not been inoperative, repaired, or adjusted, such information shall be stated in the report.</p>			
3.	<p>Applicability and general information.</p> <p>(1) The requirements of this section apply to owners or operators of affected sources who are subject to the provisions of this part, unless specified otherwise in a relevant standard.</p> <p>(2) For affected sources that have been granted an extension of compliance under Subpart D of this part, the requirements of this section do not apply to those sources while they are operating under such compliance extensions.</p> <p>(3) If any State requires a report that contains all the information required in a report listed in this section, an owner or operator may send the Administrator a copy of the report sent to the State to satisfy the requirements of this section for that report.</p> <p>(4)(i) Before a State has been delegated the authority to implement and enforce record keeping and reporting requirements established under this part, the owner or operator of an affected source in such State subject to such requirements shall submit reports 53 to the appropriate Regional Office of the EPA (to the attention of the Director of the Division indicated in the list of the EPA Regional Offices in §63.13).</p> <p>(ii) After a State has been delegated the authority to implement and enforce record keeping and reporting requirements established under this part, the owner or operator of an affected source in such State subject to such requirements shall submit reports to the delegated State authority (which may be the same as the permitting authority). In addition, if the delegated (permitting) authority is the State, the owner or operator shall send a copy of each report submitted to the State to the appropriate Regional Office of the EPA, as specified in paragraph (a)(4)(i) of this section. The Regional Office may waive this requirement for any reports at its discretion.</p> <p>(5) If an owner or operator of an affected source in a State with delegated authority is required to submit periodic reports under this part to the State, and if the State has an established timeline for the submission of periodic reports that is consistent with the reporting frequency(ies) specified for such source under this part, the owner or operator may change the dates by which periodic reports under this part shall be submitted (without changing the frequency of reporting) to be consistent with the State's schedule by mutual</p>	As specified	EU1 & EU2	40 CFR 63 Subpart A §63.10(a) Federally Enforceable

Table 7 - Applicable Reporting Requirements				
	<p>agreement between the owner or operator and the State. For each relevant standard established pursuant to section 112 of the Act, the allowance in the previous sentence applies in each State beginning 1 year after the affected source's compliance date for that standard. Procedures governing the implementation of this provision are specified in §63.9(i).</p> <p>(6) If an owner or operator supervises one or more stationary sources affected by more than one standard established pursuant to section 112 of the Act, he/she may arrange by mutual agreement between the owner or operator and the Administrator (or the State permitting authority) a common schedule on which periodic reports required for each source shall be submitted throughout the year. The allowance in the previous sentence applies in each State beginning 1 year after the latest compliance date for any relevant standard established pursuant to section 112 of the Act for any such affected source(s). Procedures governing the implementation of this provision are specified in §63.9(i).</p>			
3.	<p>Applicability and general information (continued).</p> <p>(7) If an owner or operator supervises one or more stationary sources affected by standards established pursuant to section 112 of the Act (as amended November 15, 1990) and standards set under part 60, part 61, or both such parts of this chapter, he/she may arrange by mutual agreement between the owner or operator and the Administrator (or the State permitting authority) a common schedule on which periodic reports required by each relevant (i.e., applicable) standard shall be submitted throughout the year. The allowance in the previous sentence applies in each State beginning 1 year after the stationary source is required to be in compliance with the relevant section 112 standard, or 1 year after the stationary source is required to be in compliance with the applicable part 60 or part 61 standard, whichever is latest. Procedures governing the implementation of this provision are specified in §63.9(i).</p>	As specified	EU1 & EU2	40 CFR 63 Subpart A §63.10(a) (Continued) Federally Enforceable
4.	<p>(1) Notwithstanding the requirements in this paragraph or paragraph (e) of this section, SIMS Portex shall submit reports to the Administrator in accordance with the reporting requirements in the relevant standard(s).</p> <p>(2) Reporting results of performance tests. Before a title V permit has been issued to the owner or operator of an affected source, the owner or operator shall report the results of any performance test under §63.7 to the Administrator. After a title V permit has been issued to the owner or operator of an affected source, the owner or operator shall report the results of a required performance test to the appropriate permitting authority. The owner or operator of an affected source shall report the results of the performance test to the Administrator (or the State with an approved permit program) before the close of business on the 60th day following the completion of the performance test, unless specified otherwise in a relevant standard or as approved otherwise in writing by the Administrator. The results of the performance test shall be submitted as part of the notification of compliance status required under §63.9(h).</p> <p>(4) Progress reports. The owner or operator of an affected source who is required to submit progress reports as a condition of receiving an extension of compliance under §63.6(i) shall submit such reports to the Administrator (or 56 the State with an approved</p>	As specified	EU1 & EU2	40 CFR 63 Subpart A §63.10(d) Federally Enforceable

Table 7 - Applicable Reporting Requirements				
	permit program) by the dates specified in the written extension of compliance.			
5.	<p>(1) General. When more than one CEMS is used to measure the emissions from one affected source (e.g., multiple breechings, multiple outlets), the owner or operator shall report the results as required for each CEMS.</p> <p>(2) Reporting results of continuous monitoring system performance evaluations.</p> <p>(i) The owner or operator of an affected source required to install a CMS by a relevant standard shall furnish the Administrator a copy of a written report of the results of the CMS performance evaluation, as required under §63.8(e), simultaneously with the results of the performance test required under §63.7, unless otherwise specified in the relevant standard.</p> <p>(3) Excess emissions and continuous monitoring system performance report and summary report. (i) Excess emissions and parameter monitoring exceedances are defined in relevant standards. The owner or operator of an affected source required to install a CMS by a relevant standard shall submit an excess emissions and continuous monitoring system performance report and/or a summary report to the Administrator semiannually, except when-</p> <p>(A) More frequent reporting is specifically required by a relevant standard;</p> <p>(B) The Administrator determines on a case-by-case basis that more frequent reporting is necessary to accurately assess the compliance status of the source; or</p> <p>(C) The CMS data are to be used directly for compliance determination and the source experienced excess emissions, in which case quarterly reports shall be submitted. Once a source reports excess emissions, the source shall follow a quarterly reporting format until a request to reduce reporting frequency under paragraph (e)(3)(ii) of this section is approved.</p> <p>(ii) Request to reduce frequency of excess emissions and continuous monitoring system performance reports. Notwithstanding the frequency of reporting requirements specified in paragraph (e)(3)(i) of this section, an owner or operator who is required by a relevant standard to submit excess emissions and continuous monitoring system performance (and summary) reports on a quarterly (or more frequent) basis may reduce the frequency of reporting for that standard to semiannual if the following conditions are met:</p> <p>(A) For 1 full year (e.g., 4 quarterly or 12 monthly reporting periods) the affected source's excess emissions and continuous monitoring system performance reports continually demonstrate that the source is in compliance with the relevant standard;</p> <p>(B) The owner or operator continues to comply with all record keeping and monitoring requirements specified in this Subpart and the relevant standard; and</p> <p>(C) The Administrator does not object to a reduced frequency of reporting for the affected source, as provided in paragraph (e)(3)(iii) of this section.</p>	As specified	EU1 & EU2	40 CFR 63 Subpart A §63.10(e) Federally Enforceable
5.	(3) Excess emissions and continuous monitoring system performance report and summary report (continued).	As specified	EU1 & EU2	40 CFR 63 Subpart A

Table 7 - Applicable Reporting Requirements				
	<p>(iii) The frequency of reporting of excess emissions and continuous monitoring system performance (and summary) reports required to comply with a relevant standard may be reduced only after the owner or operator notifies the Administrator in writing of his or her intention to make such a change and the Administrator does not object to the intended change. In deciding whether to approve a reduced frequency of reporting, the Administrator may review information concerning the source's entire previous performance history during the 5-year record keeping period prior to the intended change, including performance test results, monitoring data, and evaluations of an owner or operator's conformance with operation and maintenance requirements. Such information may be used by the Administrator to make a judgment about the source's potential for noncompliance in the future. If the Administrator disapproves the owner or operator's request to reduce the frequency of reporting, the Administrator will notify the owner or operator in writing within 45 days after receiving notice of the owner or operator's intention. The notification from the Administrator to the owner or operator will specify the grounds on which the disapproval is based. In the absence of a notice of disapproval within 45 days, approval is automatically granted.</p> <p>(iv) As soon as CMS data indicate that the source is not in compliance with any emission limitation or operating parameter specified in the relevant standard, the frequency of reporting shall revert to the frequency specified in the relevant standard, and the owner or operator shall submit an excess emissions and continuous monitoring system performance (and summary) report for the noncomplying emission points at the next appropriate reporting period following the noncomplying event. After demonstrating ongoing compliance with the relevant standard for another full year, the owner or operator may again request approval from the Administrator to reduce the frequency of reporting for that standard, as provided for in paragraphs (e)(3)(ii) and (e)(3)(iii) of this section.</p>			§63.10(e) (Continued) Federally Enforceable
5.	<p>(3) Excess emissions and continuous monitoring system performance report and summary report (continued).</p> <p>(vi) Summary report. As required under paragraphs (e)(3)(vii) and (e)(3)(viii) of this section, one summary report shall be submitted for the hazardous air pollutants monitored at each affected source (unless the relevant standard specifies that more than one summary report is required, e.g., one summary report for each hazardous air pollutant monitored). The summary report shall be entitled "Summary Report-Gaseous and Opacity Excess Emission and Continuous Monitoring System Performance" and shall contain the following information:</p> <p>(A) The company name and address of the affected source; (B) An identification of each hazardous air pollutant monitored at the affected source; (C) The beginning and ending dates of the reporting period; (D) A brief description of the process units; (E) The emission and operating parameter limitations specified in the relevant standard(s); (F) The monitoring equipment manufacturer(s) and model number(s); (G) The date of the latest CMS certification or audit;</p>	As specified	EU1 & EU2	40 CFR 63 Subpart A §63.10(e) (Continued) Federally Enforceable

Table 7 - Applicable Reporting Requirements				
	<p>(H) The total operating time of the affected source during the reporting period;</p> <p>(I) An emission data summary (or similar summary if the owner or operator monitors control system parameters), including the total duration of excess emissions during the reporting period (recorded in minutes for opacity and hours for gases), the total duration of excess emissions expressed as a percent of the total source operating time during that reporting period, and a breakdown of the total duration of excess emissions during the reporting period into those that are due to startup/shutdown, control equipment problems, process problems, other known causes, and other unknown causes;</p> <p>(J) A CMS performance summary (or similar summary if the owner or operator monitors control system parameters), including the total CMS downtime during the reporting period (recorded in minutes for opacity and hours for gases), the total duration of CMS downtime expressed as a percent of the total source operating time during that reporting period, and a breakdown of the total CMS downtime during the reporting period into periods that are due to monitoring equipment malfunctions, non-monitoring equipment malfunctions, quality assurance/quality control calibrations, other known causes, and other unknown causes;</p> <p>(K) A description of any changes in CMS, processes, or controls since the last reporting period; 59</p> <p>(L) The name, title, and signature of the responsible official who is certifying the accuracy of the report; and</p> <p>(M) The date of the report.</p>			
5.	<p>(3) Excess emissions and continuous monitoring system performance report and summary report (continued).</p> <p>(vii) If the total duration of excess emissions or process or control system parameter exceedances for the reporting period is less than 1 percent of the total operating time for the reporting period, and CMS downtime for the reporting period is less than 5 percent of the total operating time for the reporting period, only the summary report shall be submitted, and the full excess emissions and continuous monitoring system performance report need not be submitted unless required by the Administrator.</p> <p>(viii) If the total duration of excess emissions or process or control system parameter exceedances for the reporting period is 1 percent or greater of the total operating time for the reporting period, or the total CMS downtime for the reporting period is 5 percent or greater of the total operating time for the reporting period, both the summary report and the excess emissions and continuous monitoring system performance report shall be submitted.</p>	As specified	EU1 & EU2	40 CFR 63 Subpart A §63.10(e) (Continued) Federally Enforceable
6.	<p>(f) Waiver of record keeping or reporting requirements.</p> <p>(1) Until a waiver of a record keeping or reporting requirement has been granted by the Administrator under this paragraph, the owner or operator of an affected source remains subject to the requirements of this section.</p> <p>(2) Record keeping or reporting requirements may be waived upon written application to the Administrator if, in the Administrator's judgment, the affected source is achieving the relevant standard(s), or the source is operating under an extension of compliance, or the owner or operator has requested an extension of compliance and the</p>	As specified if source requests a waiver of record keeping or reporting requirements	EU1 & EU2	40 CFR 63 Subpart A §63.10(f) Federally Enforceable

Table 7 - Applicable Reporting Requirements				
	<p>Administrator is still considering that request.</p> <p>(3) If an application for a waiver of record keeping or reporting is made, the application shall accompany the request for an extension of compliance under §63.6(i), any required compliance progress report or compliance status report required under this part (such as under §63.6(i) and §63.9(h)) or in the source's title V permit, or an excess emissions and continuous monitoring system performance report required under paragraph (e) of this section, whichever is applicable. The application shall include whatever information the owner or operator considers useful to convince the Administrator that a waiver of record keeping or reporting is warranted.</p> <p>(4) The Administrator will approve or deny a request for a waiver of record keeping or reporting requirements under this paragraph when he/she-</p> <p>(i) Approves or denies an extension of compliance; or</p> <p>(ii) Makes a determination of compliance following the submission of a required compliance status report or excess emissions and continuous monitoring systems performance report; or</p> <p>(iii) Makes a determination of suitable progress towards compliance following the submission of a compliance progress report, whichever is applicable.</p> <p>(5) A waiver of any record keeping or reporting requirement granted under this paragraph may be conditioned on other record keeping or reporting requirements deemed necessary by the Administrator.</p> <p>(6) Approval of any waiver granted under this section shall not abrogate the Administrator's authority under the Act or in any way prohibit the Administrator from later canceling the waiver. The cancellation will be made only after notice is given to the owner or operator of the affected source.</p>			
7.	<p>Notification requirements. The owner or operator of each source subject to the emissions standards in §63.362 shall fulfill all notification requirements in §63.9 of Subpart A of this part, according to the applicability in Table 1 of §63.360, and in this paragraph.</p> <p>(1) Initial notifications.</p> <p>(i) (A) If a source that otherwise would be subject to these emissions standards subsequently increases its use of ethylene oxide within any consecutive 12-month period after December 6, 1996, such that the source becomes subject to these emissions standards or other requirements, such source shall be subject to the notification requirements of §63.9 of Subpart A of this part.</p> <p>(B) Sources subject to these emissions standards may use the application for approval of construction or reconstruction under paragraph (b)(3)(ii) of this section and §63.5(d) (3) of Subpart A of this part, respectively, if relevant to fulfill the initial notification requirements.</p> <p>(ii) The owner or operator of a new or reconstructed source subject to these emissions standards that has an initial startup date after the effective date and for which an application for approval of construction or reconstruction is required under paragraph (b)(3) of this section and §63.5(d) (3) and (4) of Subpart A of this part shall provide the following information in writing to the Administrator:</p> <p>(A) A notification of intention to construct a new source subject to these emissions standards, reconstruct a source</p>	Notification Requirements (As specified)	EU1 & EU2	40 CFR 63 Subpart O §63.366(c) Federally Enforceable

Table 7 - Applicable Reporting Requirements				
	<p>subject to these emissions standards, or reconstruct a source such that the source becomes a source subject to these emissions standards with the application for approval of construction or reconstruction as specified in paragraph (b)(3)(i)(A) of this section;</p> <p>(B) A notification of the date when construction or reconstruction was commenced, submitted simultaneously with the application for approval of construction or reconstruction, if construction or reconstruction was commenced before the effective date of these standards;</p> <p>(C) A notification of the date when construction or reconstruction was commenced, delivered or postmarked not later than 30 days after such date, if construction or reconstruction was commenced after the effective date of these standards;</p> <p>(D) A notification of the anticipated date of startup of the source, delivered or postmarked not more than 60 days nor less than 30 days before such date; and</p> <p>(E) A notification of the actual date of initial startup of the source, delivered or postmarked within 15 calendar days after that date.</p>			
7.	<p>(1) Initial notifications (continued):</p> <p>(iii) After the effective date, whether or not an approved permit program is effective in the State in which a source subject to these emissions standards is (or would be) located, an owner or operator who intends to construct a new source subject to these emissions standards or reconstruct a source subject to these emissions standards, or reconstruct a source such that it becomes a source subject to these emissions standards, shall notify the Administrator in writing of the intended construction or reconstruction. The notification shall be submitted as soon as practicable before the construction or reconstruction is planned to commence (but no sooner than the effective date of these standards) if the construction or reconstruction commences after the effective date of the standard. The notification shall be submitted as soon as practicable before the initial startup date but no later than 60 days after the effective date of this standard if the construction or reconstruction had commenced and the initial startup date has not occurred before the standard's effective date. The notification shall include all the information required for an application for approval of construction or reconstruction as specified in paragraph (b)(3) of this section and §63.5(d)(3) and (4) of Subpart A of this part. For sources subject to these emissions standards, the application for approval of construction or reconstruction may be used to fulfill the initial notification requirements of §63.9 of Subpart A of this part.</p> <p>(2) If an owner or operator of a source subject to these emissions standards submits estimates or preliminary information in the application for approval of construction or reconstruction required in paragraph (b)(3)(ii) of this section and §63.5(d)(3) of Subpart A of this part, respectively, in place of the actual emissions data or control efficiencies required in paragraphs (b)(3)(i)(B)(8) and (ii) of this section, the owner or operator shall submit the actual emissions data and other correct information as soon as available but no later than with the initial notification of compliance status.</p>	Notification Requirements (As specified in 40 CFR 63 Subpart A §63.9(b)(2))	EU1 & EU2	40 CFR 63 Subpart O §63.366(c) (Continued) Federally Enforceable

Table 7 - Applicable Reporting Requirements				
	<p>(3) The owner or operator of any existing sterilization facility subject to this Subpart shall also include the amount of ethylene oxide used during the previous consecutive 12-month period in the initial notification report required by §63.9(b)(2) and (3) of Subpart A of this part. For new sterilization facilities subject to this Subpart, the amount of ethylene oxide used shall be an estimate of expected use during the first consecutive 12-month period of operation.</p>			
8.	<p>The owner or operator of an affected source that has an initial startup before the effective date of a relevant standard under this part shall notify the Administrator in writing that the source is subject to the relevant standard. The notification, which shall be submitted not later than 120 calendar days after the effective date of the relevant standard (or within 120 calendar days after the source becomes subject to the relevant standard), shall provide the following information:</p> <ul style="list-style-type: none"> (i) The name and address of the owner or operator; (ii) The address (i.e., physical location) of the affected source; (iii) An identification of the relevant standard, or other requirement, that is the basis of the notification and the source's compliance date; (iv) A brief description of the nature, size, design, and method of operation of the source, including its operating design capacity and an identification of each point of emission for each hazardous air pollutant, or if a definitive identification is not yet possible, a preliminary identification of each point of emission for each hazardous air pollutant; and (v) A statement of whether the affected source is a major source or an area source. 	April 6, 1995	EU1 & EU2	40 CFR 63 Subpart A §63.9(b)(2) Federally Enforceable
9.	<p>Request for extension of compliance. If the owner or operator of an affected source cannot comply with a relevant standard by the applicable compliance date for that source, or if the owner or operator has installed BACT or technology to meet LAER consistent with §63.6(i)(5) of this Subpart, he/she may submit to the Administrator (or the State with an approved permit program) a request for an extension of compliance as specified in §63.6(i)(4) through §63.6(i)(6).</p>	As specified	EU1 & EU2	40 CFR 63 Subpart A §63.9(c) Federally Enforceable
10.	<p>Notification of performance test. The owner or operator of an affected source shall notify the Administrator in writing of his or her intention to conduct a performance test at least 60 calendar days before the performance test is scheduled to begin to allow the Administrator to review and approve the site-specific test plan required under §63.7(c), if requested by the Administrator, and to have an observer present during the test.</p>	As specified	EU1 & EU2	40 CFR 63 Subpart A §63.9(e) Federally Enforceable
11.	<p>Additional notification requirements for sources with continuous monitoring systems. The owner or operator of an affected source required to use a CMS by a relevant standard shall furnish the Administrator written notification as follows:</p> <p>(1) A notification of the date the CMS performance evaluation under §63.8(e) is scheduled to begin, submitted simultaneously with the notification of the performance test date required under §63.7(b). If no performance test is required, or if the requirement to conduct a performance test has been waived for an affected source under §63.7(h), the owner or operator shall notify the Administrator in</p>	As specified	EU2 Dec-E-Tec Unit	40 CFR 63 Subpart A §63.9(g)(1) Federally Enforceable

Table 7 - Applicable Reporting Requirements				
	writing of 51 the date of the performance evaluation at least 60 calendar days before the evaluation is scheduled to begin.			
12.	<p>Notification of compliance status.</p> <p>(1) The requirements of paragraphs (h)(2) through (h)(3) of this section apply when an affected source becomes subject to a relevant standard.</p> <p>(2)(i) Before a title V permit has been issued to the owner or operator of an affected source, and each time a notification of compliance status is required under this part, the owner or operator of such source shall submit to the Administrator a notification of compliance status, signed by the responsible official who shall certify its accuracy, attesting to whether the source has complied with the relevant standard. The notification shall list-</p> <ul style="list-style-type: none"> (A) The methods that were used to determine compliance; (B) The results of any performance tests, opacity or visible emission observations, continuous monitoring system (CMS) performance evaluations, and/or other monitoring procedures or methods that were conducted; (C) The methods that will be used for determining continuing compliance, including a description of monitoring and reporting requirements and test methods; (D) The type and quantity of hazardous air pollutants emitted by the source (or surrogate pollutants if specified in the relevant standard), reported in units and averaging times and in accordance with the test methods specified in the relevant standard; (E) An analysis demonstrating whether the affected source is a major source or an area source (using the emissions data generated for this notification); (F) A description of the air pollution control equipment (or method) for each emission point, including each control device (or method) for each hazardous air pollutant and the control efficiency (percent) for each control device (or method); and (G) A statement by the owner or operator of the affected existing, new, or reconstructed source as to whether the source has complied with the relevant standard or other requirements. <p>(ii) The notification shall be sent before the close of business on the 60th day following the completion of the relevant compliance demonstration activity specified in the relevant standard (unless a different reporting period is specified in a relevant standard, in which case the letter shall be sent before the close of business on the day the report of the relevant testing or monitoring results is required to be delivered or postmarked). For example, the notification shall be sent before close of business on the 60th (or other required) day following completion of the initial performance test and again before the close of business on the 60th (or other required) day following the completion of any subsequent required performance test. If no performance test is required but opacity or visible emission observations are required to demonstrate compliance with an opacity or visible emission standard under this part, the notification of compliance status shall be sent before close of business on the 30th day following the completion of opacity or visible emission observations.</p>	As specified	EU1 & EU2	40 CFR 63 Subpart A §63.9(h) Federally Enforceable

Table 7 - Applicable Reporting Requirements				
	<p>(3) After a title V permit has been issued to the owner or operator of an affected source, the owner or operator of such source shall comply with all requirements for compliance status reports contained in the source's title V permit, including reports required under this part. After a title V permit 52 has been issued to the owner or operator of an affected source, and each time a notification of compliance status is required under this part, the owner or operator of such source shall submit the notification of compliance status to the appropriate permitting authority following completion of the relevant compliance demonstration activity specified in the relevant standard.</p> <p>(4) [Reserved]</p>			
13.	<p>Notification of compliance status (continued):</p> <p>(3) After a title V permit has been issued to the owner or operator of an affected source, the owner or operator of such source shall comply with all requirements for compliance status reports contained in the source's title V permit, including reports required under this part. After a title V permit 52 has been issued to the owner or operator of an affected source, and each time a notification of compliance status is required under this part, the owner or operator of such source shall submit the notification of compliance status to the appropriate permitting authority following completion of the relevant compliance demonstration activity specified in the relevant standard.</p> <p>(6) Advice on a notification of compliance status may be obtained from the Administrator.</p>	As specified	EU1 & EU2	40 CFR 63 Subpart A §63.9(h) (Continued) Federally Enforceable
14.	<p>(i) Adjustment to time periods or postmark deadlines for submittal and review of required communications.</p> <p>(1) (i) Until an adjustment of a time period or postmark deadline has been approved by the Administrator under paragraphs (i)(2) and (i)(3) of this section, the owner or operator of an affected source remains strictly subject to the requirements of this part. (ii) An owner or operator shall request the adjustment provided for in paragraphs (i)(2) and (i)(3) of this section each time he or she wishes to change an applicable time period or postmark deadline specified in this part.</p> <p>(2) Notwithstanding time periods or postmark deadlines specified in this part for the submittal of information to the Administrator by an owner or operator, or the review of such information by the Administrator, such time periods or deadlines may be changed by mutual agreement between the owner or operator and the Administrator. An owner or operator who wishes to request a change in a time period or postmark deadline for a particular requirement shall request the adjustment in writing as soon as practicable before the subject activity is required to take place. The owner or operator shall include in the request whatever information he or she considers useful to convince the Administrator that an adjustment is warranted.</p> <p>(3) If, in the Administrator's judgment, an owner or operator's request for an adjustment to a particular time period or postmark deadline is warranted, the Administrator will approve the adjustment. The Administrator will notify the owner or operator in</p>	As specified	EU1 & EU2	40 CFR 63 Subpart A §63.9(i) & §63.9(j) Federally Enforceable

Table 7 - Applicable Reporting Requirements				
	<p>writing of approval or disapproval of the request for an adjustment within 15 calendar days of receiving sufficient information to evaluate the request.</p> <p>(4) If the Administrator is unable to meet a specified deadline, he or she will notify the owner or operator of any significant delay and inform the owner or operator of the amended schedule.</p> <p>(j) Change in information already provided. Any change in the information already provided under this section shall be provided to the Administrator in writing within 15 calendar days after the change.</p>			
15.	The permittee shall submit an annual fuel usage report indicating monthly fuel usage with the corresponding 12 calendar month fuel usage totals and corresponding fuel information as outlined in Condition VIII.E., Table 6, Items 8, 9, and 10.	Annually (no later than April 15th of the following year)	EU2 & EU4	40 CFR 70.6 (a)(1) Federally Enforceable
16.	SIMS Portex shall submit an annual ethylene oxide usage report indicating daily, monthly, and annual ethylene oxide usage.	Annually (no later than April 15th of the following year)	EU1 & EU2	40 CFR 70.6 (a)(1) Federally Enforceable
17.	<p>The Permittee shall submit to DES a summary report of monitoring and testing requirements and permit deviations every 6 months. All instances of deviations from Permit requirements must clearly be identified in such reports. All required reports must be certified by a responsible official consistent with section 70.5(d). The report shall contain a summary of the following information:</p> <ul style="list-style-type: none"> (A) Preventative maintenance and inspection results for stacks and fuel burning devices; (B) Performance Tests conducted; (C) Periodic Monitoring Data collected for the Chemrox Wet Scrubber and the Dec-E-Tec Unit; (D) Permit Deviations; and (E) Summary report of fuel sulfur content certifications for each delivery of No. 2 fuel oil, on and off-road diesel oil, and LPG. 	Every 6 months by July 31st and January 31st of each calendar year.	Facility wide	40 CFR 70.6(a)(3)(iii) (A) Federally Enforceable
18.	Prompt reporting of deviations from Permit requirements as specified in Section XXVIII. of this Permit.	Prompt reporting (ie; within 24 hours of an occurrence)	Facility Wide	40 CFR 70.6(a)(3)(iii) (B) Federally Enforceable
19.	Any report submitted to the DES and/or EPA shall include the compliance certification statement as outlined in Section XXI.B. of this Permit and shall be signed by the responsible official.	As specified	Facility wide	40 CFR 70.6(c)(1) Federally Enforceable
20.	<p>SIMS Portex shall submit an annual emissions report containing the following information:</p> <ul style="list-style-type: none"> (A) The actual emissions of the stationary source, area source or device and the methods used in calculating such emissions in accordance with Env-A 704.02; (B) For process operations, all information in accordance with 	Annually (no later than April 15th of the following year)	Facility wide	Env-A 907.01 State-only Enforceable

Table 7 - Applicable Reporting Requirements				
	Env-A 903.02; (C) For combustion devices, all information in accordance with Env-A 903.03; and (D) The actual annual emissions speciated by individual regulated air pollutants, including a breakdown of VOC emissions by compound.			
21.	Annual reporting and payment of emission based fees shall be conducted in accordance with Section XXIII of this Permit	As specified in Section XXIII.	Facility wide	Env-A 704.03 Federally Enforceable
22.	Annual compliance certification shall be submitted in accordance with Section XXI of this Permit.	April 15th	Facility wide	40 CFR 70.6(c)(1) Federally Enforceable

VIII.G. Compliance Plan

In addition to the above state and federally enforceable requirements, SIMS Portex shall adhere to the schedule put forth in the Compliance Plan listed below pursuant to Env-A 1709.01(h) for Emission Units EU1 (Chemrox Wet Scrubber - pollution control equipment serving the chamber vents) and EU2 (Dec-E-Tec Catalytic Oxidizer - pollution control equipment serving the hot cells (aeration room vents)). SIMS Portex shall submit progress reports to DES upon completion of the major milestones as detailed in the Compliance Plan schedule listed below. If milestone dates will not be or are not met, SIMS Portex shall submit to DES in writing, the reasons and a good faith estimate of completion.

Description of Action Required

Completion Date

Complete Performance Test for the Chemrox Wet Scrubber including determination of maximum ethylene glycol concentration for compliance with 40 CFR 63 Subpart O emissions reductions removal efficiency of 99.0 percent and state air toxics ambient air limits removal efficiency of 99.65 percent. Submit stack test results within 30 days of completion of testing.

Sept. 30, 2000

Complete Performance Test for the Dec-E-Tec Catalytic Oxidizer including determination of minimum baseline oxidation temperature required to demonstrate compliance with the 99.0 percent removal efficiency required. Submit stack test results within 30 days of completion of testing.

Dec. 6, 2000

IX. Requirements Currently Not Applicable:

The Permittee did not identify any requirements which are not applicable to the facility.

General Title V Operating Permit Conditions

X. Issuance of a Title V Operating Permit:

- A. This Permit is issued in accordance with the provisions of Part Env-A 609. In accordance with 40 CFR 70.6(a)(2) this Permit shall expire on the date specified on the cover page of this Permit, which shall not be later than the date five (5) years after issuance of this Permit.

Permit expiration terminates the Permittee's right to operate the Permittee's emission units, control equipment or associated equipment covered by this Permit, unless a timely and complete renewal application is submitted at least 6 months before the expiration date.

- B.** Pursuant to Env-A 609.02(b), this Permit shall be a state permit to operate as defined in RSA 125-C:11, III.

XI. Title V Operating Permit Renewal Procedures:

Pursuant to Env-A 609.06(b), an application for renewal of this Permit shall be considered timely if it is submitted to the Director at least six months prior to the designated expiration date of this Permit.

XII. Application Shield:

Pursuant to Env-A 609.07, if an applicant submits a timely and complete application for the issuance or renewal of a Permit, the failure to have a Permit shall not be considered a violation of this part until the Director takes final action on the application.

XIII. Permit Shield:

- A.** Pursuant to Env-A 609.08(a), a permit shield shall provide that:
- 1.** For any applicable requirement or any state requirement found in the New Hampshire Rules Governing the Control of Air Pollution specifically included in this Permit, compliance with the conditions of this Permit shall be deemed compliance with said applicable requirement or said state requirement as of the date of permit issuance; and
 - 2.** For any potentially applicable requirement or any potential state requirement found in the New Hampshire Rules Governing the Control of Air Pollution specifically identified in Section IX of this Permit as not applicable to the stationary source or area source, the Permittee need not comply with the specifically identified federal or state requirements.
- B.** The permit shield identified in Section XIII.A. of this Permit shall apply only to those conditions incorporated into this Permit in accordance with the provisions of Env-A 609.08(b). It shall not apply to certain conditions as specified in Env-A 609.08(c) that may be incorporated into this Permit following permit issuance by DES.
- C.** If a Title V Operating Permit and amendments thereto issued by the DES does not expressly include or exclude an applicable requirement or a state requirement found in the NH Rules Governing the Control of Air Pollution, that applicable requirement or state requirement shall not be covered by the permit shield and the Permittee shall comply with the provisions of said requirement to the extent that it applies to the Permittee.
- D.** If the DES determines that this Title V Operating Permit was issued based upon inaccurate or incomplete information provided by the applicant or Permittee, any permit shield provisions in said Title V Operating Permit shall be void as to the portions of said Title V Operating Permit which are affected, directly or indirectly, by the inaccurate or incomplete information.

- E. Pursuant to Env-A 609.08(f), nothing contained in Section XIII of this Permit shall alter or affect the ability of the DES to reopen this Permit for cause in accordance with Env-A 609.18 or to exercise its summary abatement authority.
- F. Pursuant to Env-A 609.08(g), nothing contained in Section XIII of this Permit or in any title V operating permit issued by the DES shall alter or affect the following:
 - 1. The ability of the DES to order abatement requiring immediate compliance with applicable requirements upon finding that there is an imminent and substantial endangerment to public health, welfare, or the environment;
 - 2. The state of New Hampshire's ability to bring an enforcement action pursuant to RSA 125-C:15,II;
 - 3. The provisions of section 303 of the Act regarding emergency orders including the authority of the EPA Administrator under that section;
 - 4. The liability of an owner or operator of a source for any violation of applicable requirements prior to or at the time of permit issuance;
 - 5. The applicable requirements of the acid rain program, consistent with section 408(a) of the Act;
 - 6. The ability of the DES or the EPA Administrator to obtain information about a stationary source, area source, or device from the owner or operator pursuant to section 114 of the Act; or
 - 7. The ability of the DES or the EPA Administrator to enter, inspect, and/or monitor a stationary source, area source, or device.

XIV. Reopening for Cause:

The Director shall reopen and revise a Title V Operating Permit for cause if any of the circumstances contained in Env-A 609.18(a) exist. In all proceedings to reopen and reissue a Title V Operating Permit, the Director shall follow the provisions specified in Env-A 609.18(b) through (g).

XV. Administrative Permit Amendments:

- A. Pursuant to Env-A 612.01, the Permittee may implement the changes addressed in the request for an administrative permit amendment as defined in Part Env-A 100 immediately upon submittal of the request.
- B. Pursuant to Env-A 612.01, the Director shall take final action on a request for an administrative permit amendment in accordance with the provisions of Env-A 612.01(b) and (c).

XVI. Operational Flexibility:

- A.** Pursuant to Env-A 612.02(a), the Permittee subject to and operating under this Title V Operating Permit may make changes involving trading of emissions under this existing Title V Operating Permit at the permitted stationary source or area source without filing a Title V Operating Permit application for and obtaining an amended Title V Operating Permit, provided that all the conditions are met as specified in Section XVI. A. 1. through 7. of this permit and a notice is submitted to the DES and EPA describing the intended changes. At this point, the DES has not included any permit terms authorizing emissions trading in this permit.
1. The change is not a modification under any provision of title I of the Act;
 2. The change does not cause emissions to exceed the emissions allowable under the title V operating permit, whether expressed therein as a rate of emissions or in terms of total emissions;
 3. The owner or operator has obtained any temporary permit required by Env-A 600;
 4. The owner or operator has provided written notification to the director and administrator at least 15 days prior to the proposed change and such written notification includes:
 - a. The date on which each proposed change will occur;
 - b. A description of each such change;
 - c. Any change in emissions that will result and how this change in emissions will comply with the terms and conditions of the permit;
 - d. A written request that the operational flexibility procedures be used; and
 - e. The signature of the responsible official, consistent with Env-A 605.04(b);
 5. The title V operating permit issued to the stationary source or area source already contains terms and conditions including all terms and conditions which determine compliance required under 40 CFR 70.6(a) and (c) and which allow for the trading of emissions increases and decreases at the permitted stationary source or area source solely for the purpose of complying with a federally-enforceable emissions cap that is established in the permit independent of otherwise applicable requirements;
 6. The owner or operator has included in the application for the title V operating permit proposed replicable procedures and proposed permit terms which ensure that the emissions trades are quantifiable and federally enforceable for changes to the title V operating permit which qualify under a federally- enforceable emissions cap that is established in the title V operating permit independent of the otherwise applicable requirements; and
 7. The proposed change complies with Env-A 612.02 (e).
- B.** Pursuant to Env-A 612.02(c), the Permittee subject to and operating under this Title V Operating

Permit may make changes not addressed or prohibited by this existing Title V Operating Permit at the permitted stationary source or area source without filing a Title V Operating Permit application, provided that all the conditions specified in Env-A 612.02(c)(1) through (6) are met and a notice is submitted to the DES and EPA describing the intended changes.

- C. Pursuant to Env-A 612.02(d), the Permittee, Operator, Director and Administrator shall attach each notice of an off-permit change completed in accordance with Section XVI of this Title V Operating Permit to their copy of the current Title V Operating Permit.
- D. Pursuant to Env-A 612.02(e), any change under Section XVI shall not exceed any emissions limitations established under the NH Rules Governing the Control of Air Pollution, or result in an increase in emissions, or result in new emissions, of any toxic air pollutant or hazardous air pollutant other than those listed in the existing Permit.
- E. Pursuant to Env-A 612.02(f), the off-permit change shall not qualify for the permit shield under Env-A 609.08.

XVII. Minor Permit Amendments:

- A. Pursuant to Env-A 612.04 prior to implementing a minor permit modification, the Permittee shall submit a written request to the Director in accordance with the requirements of Env-A 612.04(b).
- B. The Director shall take final action on the minor permit amendment request in accordance with the provisions of Env-A 612.04(c) through (g).
- C. Pursuant to Env-A 612.04(h), the permit shield specified in Env-A 609.08 shall not apply to minor permit amendments under Section XVII. of this Permit.
- D. Pursuant to Env-A 612.04(i), the Permittee shall be subject to the provisions of Part Env-A 614 and Part Env-A 615 if the change is made prior to the filing with the Director a request for a minor permit amendment.

XVIII. Significant Permit Amendments:

- A. Pursuant to Env-A 612.05, a change at the facility shall qualify as a significant permit amendment if it meets the criteria specified in Env-A 612.05(a)(1) through (7).
- B. Prior to implementing the significant permit amendment, the Permittee shall submit a written request to the Director and to the EPA which includes all the information as referenced in Env-A 612.05(b) and (c) and shall be issued an amended Title V Operating Permit from the DES. The Permittee shall be subject to the provisions of Env-A 614 and Env-A 615 if a request for a significant permit amendment is not filed with the Director and/or the change is made prior to the issuance of an amended Title V Operating Permit.
- C. The Director shall take final action on the significant permit amendment in accordance with the procedures specified in Env-A 612.05(d), (e) and (f).

XIX. Title V Operating Permit Suspension, Revocation or Nullification:

- A. Pursuant to RSA 125-C:13, the Director may suspend or revoke any final permit issued hereunder if, following a hearing, the Director determines that:
 - 1. the Permittee has committed a violation of any applicable statute or state requirement found in the New Hampshire Rules Governing the Control of Air Pollution, order or permit condition in force and applicable to it; or
 - 2. that the emissions from any device to which this Permit applies, alone or in conjunction with other sources of the same pollutants, presents an immediate danger to the public health.
- B. The Director shall nullify any Permit, if following a hearing in accordance with RSA 541-A:30, II, a finding is made that the Permit was issued in whole or in part based upon any information proven to be intentionally false or misleading.

XX. Inspection and Entry:

Pursuant to Env-A 614.01, EPA and DES personnel shall be granted access to the facility covered by this Permit, in accordance with RSA 125-C:6, VII for the purposes of: inspecting the proposed or permitted site; investigating a complaint; and assuring compliance with any applicable requirement or state requirement found in the NH Rules Governing the Control of Air Pollution and/or conditions of any Permit issued pursuant to Chapter Env-A 600.

XXI. Certifications:

A. Compliance Certification Report

In accordance with 40 CFR 70.6(c) the Responsible Official shall certify, annually from the date of issuance, that the facility is in compliance with the requirements of this permit. The report shall be submitted to the DES and to the Regional Administrator, U.S. Environmental Protection Agency - New England Region. The report shall be submitted in compliance with the submission requirements below.

In accordance with 40 CFR 70.6(c)(5), the report shall describe:

- 1. The terms and conditions of the Permit that are the basis of the certification;
- 2. The current compliance status of the source with respect to the terms and conditions of this Permit, and whether compliance was continuous or intermittent during the reporting period;
- 3. The methods used for determining compliance, including a description of the monitoring, record keeping, and reporting requirements and test methods; and
- 4. Any additional information required by the DES to determine the compliance status of the source.

B. Certification of Accuracy Statement

All documents submitted to the DES shall contain a certification of accuracy statement by the responsible

official of truth, accuracy, and completeness. Such certification shall be in accordance with the requirements of 40 CFR 70.5(d) and contain the following language:

"I am authorized to make this submission on behalf of the facility for which the submission is made. Based on information and belief formed after reasonable inquiry, I certify that the statements and information in the enclosed documents are to the best of my knowledge and belief true, accurate and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment."

XXII. Enforcement:

Any noncompliance with a permit condition constitutes a violation of RSA 125-C:15, and, as to the conditions in this permit which are federally enforceable, a violation of the Clean Air Act, 42 U.S.C. section 7401 et seq., and is grounds for enforcement action, for permit termination or revocation, or for denial of an operating permit renewal application by the DES and/or EPA. Noncompliance may also be grounds for assessment of administrative, civil or criminal penalties in accordance with RSA 125-C:15 and/or the Clean Air Act. This Permit does not relieve the Permittee from the obligation to comply with any other provisions of RSA 125-C, the New Hampshire Rules Governing the Control of Air Pollution, or the Clean Air Act, or to obtain any other necessary authorizations from other governmental agencies, or to comply with all other applicable Federal, State, or Local rules and regulations, not addressed in this Permit.

In accordance with 40 CFR 70.6 (a)(6)(ii) a Permittee shall not claim as a defense in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this Permit.

XXIII. Emission-Based Fee Requirements:

- A. The Permittee shall pay an emission-based fee annually for this facility as calculated each calendar year pursuant to Env-A 704.03.
- B. The Permittee shall determine the total actual annual emissions from the facility to be included in the emission-based multiplier specified in Env-A 704.03(a) for each calendar year in accordance with the methods specified in Env-A 620.
- C. The Permittee shall calculate the annual emission-based fee for each calendar year in accordance with

$$FEE = E * DPT * CPI_m * ISF$$

the procedures specified in Env-A 704.03 and the following equation:
Where:

- FEE = The annual emission-based fee for each calendar year as specified in Env-A 704.
- E = The emission-based multiplier is based on the calculation of total annual emissions as specified in Env-A 704.02 and the provisions specified in Env-A 704.03(a).
- DPT = The dollar per ton fee the DES has specified in Env-A 704.03(b).
- CPI_m = The Consumer Price Index Multiplier as calculated in Env-A 704.03(c).
- ISF = The Inventory Stabilization Factor as specified in Env-A 704.03(d).

- D.** The Permittee shall contact the DES each calendar year for the value of the Inventory Stabilization Factor.
- E.** The Permittee shall contact the DES each calendar year for the value of the Consumer Price Index Multiplier.
- F.** The Permittee shall submit, to the DES, payment of the emission-based fee and a summary of the calculations referenced in Sections XXIII.B. and C of this Permit for each calendar year by October 15th of the following calendar year in accordance with Env-A 704.04. The emission-based fee and summary of the calculations shall be submitted to the following address:

New Hampshire Department of Environmental Services
Air Resources Division
64 North Main Street
P.O. Box 2033
Concord, NH 03302-2033
ATTN: Emissions Inventory

- G.** The DES shall notify the Permittee of any under payments or over payments of the annual emission-based fee in accordance with Env-A 704.05.

XXIV. Duty To Provide Information

In accordance with 40 CFR 70.6 (a)(6)(v), upon the DES's written request, the Permittee shall furnish, within a reasonable time, any information necessary for determining whether cause exists for modifying, revoking and reissuing, or terminating the Permit, or to determine compliance with the Permit. Upon request, the Permittee shall furnish to the DES copies of records that the Permittee is required to retain by this Permit. The Permittee may make a claim of confidentiality as to any information submitted pursuant to this condition in accordance with Part Env-A 103 at the time such information is submitted to the DES. The DES shall evaluate such requests in accordance with the provisions of Part Env-A 103.

XXV. Property Rights

Pursuant to 40 CFR 70.6 (a)(6)(iv), this Permit does not convey any property rights of any sort, or any exclusive privilege.

XXVI. Severability Clause

Pursuant to 40 CFR 70.6 (a)(5), the provisions of this Permit are severable, and if any provision of this Permit, or the application of any provision of this Permit to any circumstances is held invalid, the application of such provision to other circumstances, and the remainder of this Permit, shall not be affected thereby.

XXVII. Emergency Conditions

Pursuant to 40 CFR 70.6 (g), the Permittee shall be shielded from enforcement action brought for noncompliance with technology based⁵ emission limitations specified in this Permit as a result of an

⁵ Technology based emission limits are those established on the basis of emission reductions achievable with various control measures or process changes (e.g., a new source performance standard) rather than those established to attain health based air quality standards.

emergency⁶. In order to use emergency as an affirmative defense to an action brought for noncompliance, the Permittee shall demonstrate the affirmative defense through properly signed, contemporaneous operating logs, or other relevant evidence that:

- A. An emergency occurred and that the Permittee can identify the cause(s) of the emergency;
- B. The permitted facility was at the time being properly operated;
- C. During the period of the emergency, the Permittee took all reasonable steps as expeditiously as possible, to minimize levels of emissions that exceeded the emissions standards, or other requirements in this Permit; and
- D. The Permittee submitted notice of the emergency to the DES within two (2) business days of the time when emission limitations were exceeded due to the emergency. This notice must contain a description of the emergency, any steps taken to mitigate emission, and corrective actions taken.

XXVIII. Permit Deviation

In accordance with 40 CFR 70.6(a)(3)(iii)(B), the Permittee shall report to the DES all instances of deviations from Permit requirements, by telephone (calling (603) 271-1088) or fax ((603) 271-1381 Attention: Compliance Bureau), within 24 hours of discovery of such deviation. This report shall include the deviation itself, including those attributable to upset conditions as defined in the Permit, the probable cause of such deviations, and any corrective actions or preventative measures taken. Said Permit deviation shall also be submitted in writing to the DES, at the address listed in permit condition XXI.A. in the semi-annual report of monitoring and testing requirements due July 31st and January 31st of each calendar year. Deviations are instances where any Permit condition is violated and has not already been reported as an emergency pursuant to Section XXVII of this Permit.

Reporting a Permit deviation is not an affirmative defense for action brought for noncompliance.

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⁶ An "emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation would require immediate corrective action to restore normal operation, and that causes the source to exceed a technology based limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operations, operator error or decision to keep operating despite knowledge of any of these things.